ORDINANCE NO. 11

SERIES 1974

AN ORDINANCE VACATING THAT PORTION OF BIRCH STREET WEST OF SOUTH 17TH STREET, 115.7 FEET, ALSO DESCRIBED AS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 4, BLOCK 7, THOMPSON'S ADDITION TO THE CITY OF ELGIN, OREGON, THENCE WEST 115.7 FEET: THENCE SOUTH 60.0 FEET TO THE NORTHWEST CORNER OF LOT 2, BLOCK 8 OF SAID THOMPSON'S ADDITION, THENCE EAST 115.5 FEET TO THE NORTHEAST CORNER OF LOT 1, BLOCK 8 OF SAID THOMPSON'S ADDITION: THENCE NORTH 60.0 FEET TO THE POINT OF BEGINNING ACCORDING TO THE RECORDED PLAT THEREOF, AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Elgin, Oregon, by Resolution No. 6, Series 1974, initiated vacation proceedings for Birch Street west of South 17th Street, 115.7 feet in THOMPSON'S ADDITION to the City of Elgin, Oregon, according to the recorded plat thereof, and

WHEREAS, a notice of hearing in connection with said vacation proceedings was given which provided that all objections, remonstrances or claims for damages as a result of said proposed vacation were to be presented and filed with the City Recorder in writing prior to the hour of 7:30 o'clock P.M. on the 9th day of July, 1974, in the City Hall at Elgin, Oregon; said notice was given by posting and publishing the same as required by statute and as shown by the Affidavit of Publication and Affidavit of Posting heretofore filed with the City Recorder, and

WHEREAS, no objections have been rendered or filed against such vacation, and

WHEREAS, such vacation will not substantially affect the market value of property in the vicinity thereof, and

WHEREAS, in the opinion of the City Council of the City of Elgin, no one will be adversely affected by the vacation of the street above described, NOW THEREFORE,

THE CITY OF ELGIN DOES ORDAIN as follows:

1. That notice of the time and place of hearing of the proposed vacation of Birch Street west of South 17th Street, 115.7 feet in THOMPSON'S ADDITION to the City of Elgin, Oregon, according to the recorded plat thereof, has been given in accordance with ORS 271.110 and Resolution No. 6, Series 1974.

2. That the owners of the majority of the area affected thereby have not objected to said vacation as hereinabove described.

3. That the proposed street vacation will not substantially affect the market value of the property in the vicinity thereof.

4. That no one will be adversely affected by the vacation of Birch Street west of South 17th Street, 115.7 feet in Elgin, Oregon, also described as: Beginning at the southeast corner of Lot 4, Block 7, THOMPSON'S ADDITION to the City of Elgin, Oregon, thence west 115.7 feet; thence south 60.0 feet to the northwest corner of Lot 2, Block 8 of said THOMPSON'S ADDITION, thence east 115.5 feet to the northeast corner of Lot 1, Block 8 of said THOMPSON'S ADDITION; thence north 60.0 feet to the point of beginning according to the recorded plat thereof, and that said street be and the same hereby is vacated and that the title thereto shall attach to the land bordering on such area in equal portions in accordance with ORS 271.140.

5. In as much as the preservation of the public health, safety and welfare of the citizens of the City of Elgin, Oregon, demand immediate adoption of this ordinance, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon its passage and approval.

PASSED and ADOPTED this 9th day of July, 1974, by 7 council members voting therefor.

APPROVED this 9th day of July, 1974.

By: Warren L Stein
Mayor

ATTEST:

Ron Scoubes
City Recorder

The undersigned RON SCOUBES certifies that he is the duly appointed and active City Recorder of the City of Elgin, Oregon, and that the foregoing document consisting of three (3) pages is a true and correct copy of the Ordinance on file in the office of the City of Elgin, Oregon and that the same is in full force and effect.

Ron Scoubes
RON SCOUBES
CITY RECORDER

AFFIDAVIT OF POSTING

I, RON SCOUBES, being first duly sworn, depose and say:

I am the qualified and acting City Recorder of the City of Elgin, Union County, Oregon; I am a citizen of the United States; over the age of twentyone (21) years and a resident of the City of Elgin, Union County, Oregon.

On the 12 day of June, 1974, I posted the hereto attached Notice of Street Vacation in public view in the following places, to wit: On the utility pole at Birch Street and Seventeenth Street; and on the utility pole 250 feet west of South Nineteenth Street and Birch Street.

Ron Scoubes

Subscribed and sworn to before me this 18th day of June, 1974.

Myrle Ethel Scott

Notary Public for Oregon
My Commission Expires:
MY COMMISSION EXPIRES MARCH 31, 1977

1 - Affidavit of Posting

AFFIDAVIT OF PUBLICATION

STATE OF OREGON)
: ss.
COUNTY OF UNION)

I, Ethel Smith, being first duly sworn, depose and say that I am the editor of the Elgin Recorder, a newspaper of general circulation, as defined by Section 58, Oregon Laws, as amended by Chapter 135 of the General Laws of Oregon, 1927, printed and published at La Grande, Oregon, in the aforesaid county and state; that the Notice of Street Vacation, a printed copy of which is attached hereto, marked Exhibit "A" and by reference made a part hereof, was published in the entire issue of said newspaper for four (4) successive and consecutive weeks in the following issues:

1. Issue of June 13, 1974.
2. Issue of June 20, 1974.
3. Issue of June 27, 1974.
4. Issue of July 4, 1974.

Ethel Smith, editor

Subscribed and sworn to before me July 9, 1974.

Pat O'Leary
Notary Public for Oregon
My Commission Expire:
4/2/78

Exhibit A

Notice of

Street Vacation

NOTICE IS HEREBY GIVEN that the City Council of the City of Elgin, Oregon, will, on the 9th day of July, 1974, at the hour of 7:30 p.m. in the City Hall at Elgin, Oregon, hold a hearing in connection with its resolution and vacation proceedings initiated by the City Council, on the 11th day of June, 1974, whereby it was proposed to vacate that portion of Birch Street west of South Seventeenth Street, 115.7 feet in Elgin, Oregon, according to the recorded plat thereof, and the City Council will, at that time, hear and consider all objections, remonstrances or claims for damages as a result of such proposed vacation which may be presented and filed with the City Recorder in writing prior to the time of hearing.

DATED and PUBLISHED this 13th day of June, 1974.

Ron Scoubes, City Recorder of City of Elgin, Oregon

CAREY & GOODING
P. O. Box 1025
La Grande, Oregon 97850
Phone (503) 963-2131

CERTIFICATE OF SHERIFF REGARDING TAXES

STATE OF OREGON)
: ss.
COUNTY OF UNION)

I, WILLIAM F. MOORE, do hereby certify:

That I am the duly elected, qualified and acting Sheriff for the County of Union, Oregon.

That all state and county taxes on the property affected by the vacation of Birch Street West of South Seventeenth Street, 115.7 feet in THOMPSON'S ADDITION to the City of Elgin, Oregon, have been paid.

DATED this 9th day of July, 1974.

WILLIAM F. MOORE, SHERIFF
William F. Moore
Union County Sheriff

by Magdalene V. Buckley
deputy

Subscribed and sworn before me this 9th day of July, 1974

Shirley L. Bolin, County Clerk

By Marian Stapleton Deputy

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La Grande, Oregon 97850
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